

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

VALDEMARAS CEINORIUS,)	
VITALIJ CHRISONOPULO,)	
FIODOR IGNATOV,)	
VIKTOR KUZNECOV,)	
ANATOLIJ MATVEJEV,)	
NIKOLAJ NIKULIN,)	
VALERIJ POTAPOV, and)	
VLADIMIR ULJANOV,)	
Plaintiffs)	
)	Civil Action
V.)	
)	No. 03-CV-12270-RWZ
ARTHUR FRANCO and)	
JOHN G. HADAYIA,)	
Defendants)	

PLAINTIFFS' FIRST AMENDED COMPLAINT AND DEMAND FOR TRIAL

Now come the Plaintiffs in the above-entitled matter, and for their complaint state:

General factual allegations

The parties

1. The Plaintiff, Valdemaras Ceinorius, is a resident of Klaipeda, Lithuania.
2. The Plaintiff, Vitalij Chrisonopulo, is a resident of Klaipeda, Lithuania.
3. The Plaintiff, Fiodor Ignatov, is a resident of Klaipeda, Lithuania.
4. The Plaintiff, Viktor Kuznecov, is a resident of Klaipeda, Lithuania.
5. The Plaintiff, Anatolij Matvejev, is a resident of Klaipeda, Lithuania.
6. The Plaintiff, Nikolaj Nikulin, is a resident of Klaipeda, Lithuania.
7. The Plaintiff, Valerij Potapov, is a resident of Klaipeda, Lithuania.
8. The Plaintiff, Vladimir Uljanov, is a resident of Klaipeda, Lithuania.
9. The Defendant, Arthur Franco, is a resident of New Bedford, MA.

10. The Defendant, John G. Hadayia, is a resident of West Roxbury, MA.

11. The Defendant, Arthur Franco, did business as United Oil Company during the year 2002.

12. The Defendant, John G. Hadayia, did business as United Oil Company during the year 2002.

Employment status

13. From May 22, 2002 to September 24, 2002, the Plaintiff Ceinorius was employed by United Oil Company.

14. From May 22, 2002 to September 24, 2002, the Plaintiff Ceinorius was employed by United Oil Company as a seaman and a member of the crew of the Tug SEA GIANT.

15. From May 22, 2002 to September 24, 2002, the Plaintiff Ceinorius was employed by Defendant Arthur Franco, d/b/a United Oil Company.

16. From May 22, 2002 to September 24, 2002, the Plaintiff Ceinorius was employed by Defendant Arthur Franco, d/b/a United Oil Company, as a seaman and a member of the crew of the Tug SEA GIANT.

17. From May 22, 2002 to September 24, 2002, the Plaintiff Ceinorius was employed by Defendant John G. Hadayia, d/b/a United Oil Company.

18. From May 22, 2002 to September 24, 2002, the Plaintiff Ceinorius was employed by Defendant John G. Hadayia, d/b/a United Oil Company, as a seaman and a member of the crew of the Tug SEA GIANT.

19. From May 22, 2002 to September 24, 2002, the Plaintiff Chrisonopulo was employed by United Oil Company.

20. From May 22, 2002 to September 24, 2002, the Plaintiff Chrisonopulo was employed by United Oil Company as a seaman and a member of the crew of the Tug SEA GIANT.

21. From May 22, 2002 to September 24, 2002, the Plaintiff Chrisonopulo was employed by Defendant Arthur Franco, d/b/a United Oil Company.

22. From May 22, 2002 to September 24, 2002, the Plaintiff Chrisonopulo was employed by Defendant Arthur Franco, d/b/a United Oil Company, as a seaman and a member of the crew of the Tug SEA GIANT.

23. From May 22, 2002 to September 24, 2002, the Plaintiff Chrisonopulo was employed by Defendant John G. Hadayia, d/b/a United Oil Company.

24. From May 22, 2002 to September 24, 2002, the Plaintiff Chrisonopulo was employed by Defendant John G. Hadayia, d/b/a United Oil Company, as a seaman and a member of the crew of the Tug SEA GIANT.

25. From May 22, 2002 to September 24, 2002, the Plaintiff Ignatov was employed by United Oil Company.

26. From May 22, 2002 to September 24, 2002, the Plaintiff Ignatov was employed by United Oil Company as a seaman and a member of the crew of the Tug SEA GIANT.

27. From May 22, 2002 to September 24, 2002, the Plaintiff Ignatov was employed by Defendant Arthur Franco, d/b/a United Oil Company.

28. From May 22, 2002 to September 24, 2002, the Plaintiff Ignatov was employed by Defendant Arthur Franco, d/b/a United Oil Company, as a seaman and a member of the crew of the Tug SEA GIANT.

29. From May 22, 2002 to September 24, 2002, the Plaintiff Ignatov was employed by Defendant John G. Hadayia, d/b/a United Oil Company.

30. From May 22, 2002 to September 24, 2002, the Plaintiff Ignatov was employed by Defendant John G. Hadayia, d/b/a United Oil Company, as a seaman and a member of the crew of the Tug SEA GIANT.

31. From May 22, 2002 to September 24, 2002, the Plaintiff Kuznecov was employed by United Oil Company.

32. From May 22, 2002 to September 24, 2002, the Plaintiff Kuznecov was employed by United Oil Company as a seaman and a member of the crew of the Tug SEA GIANT.

33. From May 22, 2002 to September 24, 2002, the Plaintiff Kuznecov was employed by Defendant Arthur Franco, d/b/a United Oil Company.

34. From May 22, 2002 to September 24, 2002, the Plaintiff Kuznecov was employed by Defendant Arthur Franco, d/b/a United Oil Company, as a seaman and a member of the crew of the Tug SEA GIANT.

35. From May 22, 2002 to September 24, 2002, the Plaintiff Kuznecov was employed by Defendant John G. Hadayia, d/b/a United Oil Company.

36. From May 22, 2002 to September 24, 2002, the Plaintiff Kuznecov was employed by Defendant John G. Hadayia, d/b/a United Oil Company, as a seaman and a member of the crew of the Tug SEA GIANT.

37. From May 22, 2002 to September 24, 2002, the Plaintiff Matvejev was employed by United Oil Company.

38. From May 22, 2002 to September 24, 2002, the Plaintiff Matvejev was employed

by United Oil Company as a seaman and a member of the crew of the Tug SEA GIANT.

39. From May 22, 2002 to September 24, 2002, the Plaintiff Matvejev was employed by Defendant Arthur Franco, d/b/a United Oil Company.

40. From May 22, 2002 to September 24, 2002, the Plaintiff Matvejev was employed by Defendant Arthur Franco, d/b/a United Oil Company, as a seaman and a member of the crew of the Tug SEA GIANT.

41. From May 22, 2002 to September 24, 2002, the Plaintiff Matvejev was employed by Defendant John G. Hadayia, d/b/a United Oil Company.

42. From May 22, 2002 to September 24, 2002, the Plaintiff Matvejev was employed by Defendant John G. Hadayia, d/b/a United Oil Company, as a seaman and a member of the crew of the Tug SEA GIANT.

43. From May 22, 2002 to September 24, 2002, the Plaintiff Nikulin was employed by United Oil Company.

44. From May 22, 2002 to September 24, 2002, the Plaintiff Nikulin was employed by United Oil Company as a seaman and a member of the crew of the Tug SEA GIANT.

45. From May 22, 2002 to September 24, 2002, the Plaintiff Nikulin was employed by Defendant Arthur Franco, d/b/a United Oil Company.

46. From May 22, 2002 to September 24, 2002, the Plaintiff Nikulin was employed by Defendant Arthur Franco, d/b/a United Oil Company, as a seaman and a member of the crew of the Tug SEA GIANT.

47. From May 22, 2002 to September 24, 2002, the Plaintiff Nikulin was employed by Defendant John G. Hadayia, d/b/a United Oil Company.

48. From May 22, 2002 to September 24, 2002, the Plaintiff Nikulin was employed by Defendant John G. Hadayia, d/b/a United Oil Company, as a seaman and a member of the crew of the Tug SEA GIANT.

49. From May 22, 2002 to September 24, 2002, the Plaintiff Potapov was employed by United Oil Company.

50. From May 22, 2002 to September 24, 2002, the Plaintiff Potapov was employed by United Oil Company as a seaman and a member of the crew of the Tug SEA GIANT.

51. From May 22, 2002 to September 24, 2002, the Plaintiff Potapov was employed by Defendant Arthur Franco, d/b/a United Oil Company.

52. From May 22, 2002 to September 24, 2002, the Plaintiff Potapov was employed by Defendant Arthur Franco, d/b/a United Oil Company, as a seaman and a member of the crew of the Tug SEA GIANT.

53. From May 22, 2002 to September 24, 2002, the Plaintiff Potapov was employed by Defendant John G. Hadayia, d/b/a United Oil Company.

54. From May 22, 2002 to September 24, 2002, the Plaintiff Potapov was employed by Defendant John G. Hadayia, d/b/a United Oil Company, as a seaman and a member of the crew of the Tug SEA GIANT.

55. From May 22, 2002 to September 24, 2002, the Plaintiff Uljanov was employed by United Oil Company.

56. From May 22, 2002 to September 24, 2002, the Plaintiff Uljanov was employed by United Oil Company as a seaman and a member of the crew of the Tug SEA GIANT.

57. From May 22, 2002 to September 24, 2002, the Plaintiff Uljanov was employed

by Defendant Arthur Franco, d/b/a United Oil Company.

58. From May 22, 2002 to September 24, 2002, the Plaintiff Uljanov was employed by Defendant Arthur Franco, d/b/a United Oil Company, as a seaman and a member of the crew of the Tug SEA GIANT.

59. From May 22, 2002 to September 24, 2002, the Plaintiff Uljanov was employed by Defendant John G. Hadayia, d/b/a United Oil Company.

60. From May 22, 2002 to September 24, 2002, the Plaintiff Uljanov was employed by Defendant John G. Hadayia, d/b/a United Oil Company, as a seaman and a member of the crew of the Tug SEA GIANT.

Vessel ownership, operation, and control

61. As of May 22, 2002 to September 24, 2002, United Oil Company owned the Tug SEA GIANT.

62. As of May 22, 2002 to September 24, 2002, United Oil Company operated the Tug SEA GIANT.

63. As of May 22, 2002 to September 24, 2002, United Oil Company controlled the Tug SEA GIANT.

64. As of May 22, 2002 to September 24, 2002, Defendant Arthur Franco, d/b/a United Oil Company, owned the Tug SEA GIANT.

65. As of May 22, 2002 to September 24, 2002, Defendant Arthur Franco, d/b/a United Oil Company, operated the Tug SEA GIANT.

66. As of May 22, 2002 to September 24, 2002, Defendant Arthur Franco, d/b/a United Oil Company, controlled the Tug SEA GIANT.

67. As of May 22, 2002 to September 24, 2002, Defendant John G. Hadayia, d/b/a United Oil Company, owned the Tug SEA GIANT.

68. As of May 22, 2002 to September 24, 2002, Defendant John G. Hadayia, d/b/a United Oil Company, operated the Tug SEA GIANT.

69. As of May 22, 2002 to September 24, 2002, Defendant John G. Hadayia, d/b/a United Oil Company, controlled the Tug SEA GIANT.

70. During all relevant time periods, the Tug SEA GIANT was in navigable waters.

Jurisdiction

71. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1333.

COUNT I

(GENERAL MARITIME LAW WAGE LOSS CLAIM)

72. The Plaintiffs reiterate the allegations set forth in paragraphs 1 through 71 above.

73. The Plaintiffs joined the Tug SEA GIANT as members of the crew and fully performed their duties as crew members and accrued earned wages.

74. The Defendants failed, refused, and neglected to make payment of the full wages due to said Plaintiffs.

75. Demand for said wages was made upon the employer and payment of same was wrongfully and improperly refused.

76. This cause of action is brought under the General Maritime Law.

WHEREFORE, the Plaintiffs, Valdemaras Ceinorius, Fiodor Ignatov, Viktor Kuznecov, Nikolaj Nikulin, Valerij Potapov, and Vladimir Uljanov, demand judgment against the

Defendants, Arthur Franco and John G. Hadayia, in the amount of \$100,000.00, jointly and severally, together with interest and costs.

COUNT II

(M.G.L. c. 149, §150 WAGE LOSS CLAIM)

77. The Plaintiffs reiterate the allegations set forth in paragraphs 1 through 71 above.

78. The Plaintiffs joined the Tug SEA GIANT as members of the crew and fully performed their duties as crew members and accrued earned wages.

79. The Defendants failed, refused, and neglected to make payment of the full wages due to said Plaintiffs.

80. Demand for said wages was made upon the employer and payment of same was wrongfully and improperly refused.

81. This cause of action is brought under M.G.L. c. 149, §150.

WHEREFORE, the Plaintiffs, Valdemaras Ceinorius, Fiodor Ignatov, Viktor Kuznecov, Nikolaj Nikulin, Valerij Potapov, and Vladimir Uljanov, demand as follows:

- A. That judgment be entered against the Defendants, Arthur Franco and John G. Hadayia, in the amount of \$100,000.00, jointly and severally, together with interest and costs;
- B. That the Plaintiffs be awarded treble damages;
- C. That the Plaintiffs be awarded reasonable attorneys fees and costs.

Respectfully submitted for the Plaintiffs,
by their attorney,

A handwritten signature in black ink, appearing to read "David J. Berg", written over a horizontal line.

David J. Berg, Esq.
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